

This court, having reviewed all briefing and argument in this case regarding negligence per se and alleged code violations, hereby finds that plaintiff's expert Richard Button has repeatedly provided citations to inapplicable provisions of the IBC, AMC, and ANSI standards, none of which have any bearing on the issues in

this case. Plaintiff's claim for negligence per se is hereby dismissed and plaintiff's expert Richard Button is prohibited from testifying in this case as he is unqualified.

As a further sanction for plaintiff's gamesmanship, defendant is awarded attorney's fees of \_\_\_\_\_.

Dated: \_\_\_\_\_

Timothy M. Burgess  
U.S. District Court Judge

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically this 21st day of May, 2007 to:

Robert J. Jurasek  
PENTLARGE LAW GROUP  
1400 W. Benson Blvd., Ste. 550  
Anchorage, Alaska 99503

\_\_\_\_\_  
/s/ William A. Earnhart  
RICHMOND & QUINN

2043\005\PLD\PROPOSED ORDER (NEGLIGENCE PER SE)

### **PROPOSED ORDER**

MEYER v. ARG ENTERPRISES, INC., CASE NO. 3:05-cv-00239-TMB  
PAGE 2 OF 2

LAW OFFICES  
RICHMOND & QUINN  
A PROFESSIONAL CORPORATION  
360 K. STREET, SUITE 200  
ANCHORAGE, ALASKA 99501-2038  
(907) 276-5727  
FAX (907) 276-2953